

TEMPORARY

No. 68157T

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office OCT 31 2001

Returned to applicant for correction _____

Corrected application filed _____

Map filed SEP 08 1944 under Truckee River Decree Maps

The applicant The United States as trustee for the Pyramid Lake Paiute Tribe of Indians, acting through the Bureau of Indian Affairs and The Pyramid Lake Paiute Tribe of Indians hereby make application for permission to change the place and manner of use of a portion of water heretofore appropriated under United States of America -v. Orr Ditch Co. in Equity No. A-3, Claim No. 1; in the Federal District Court of Nevada.

1. The source of water is Truckee River
2. The amount of water to be changed 9,914 acre-feet (2,105 acres @ 4.71 acre-feet/acre)
3. The water to be used for Wildlife, including instream flows for fish (cui-ui and Lahontan cutthroat trout)
4. The water heretofore permitted for As decreed
5. The water is to be diverted at the following point There will be no diversion, the water is to remain in the Truckee River from Indian Ditch diversion to Pyramid Lake.
6. The existing permitted point of diversion is located within As decreed; Section 18, T22N, R24E, M.D.B.&M. Indian Ditch
7. Proposed place of use Truckee River downstream of Indian Ditch diversion to the Pyramid Lake inlet as shown on the map accompanying Application No. 67182.
8. Existing place of use As decreed on Pyramid Lake Indian Reservation bottom lands.
9. Use will be from As decreed to As decreed of each year.
10. Use was permitted from As decreed to As decreed of each year.
11. Description of proposed works No new diversion or storage works will be constructed.
12. Estimated cost of works N/A
13. Estimated time required to construct works N/A
14. Estimated time required to complete the application of water to beneficial use As soon as application is approved
15. Remarks: See Attachment B.

By John Jackson
s/John W. Jackson
P. O. Box 256
Nixon, Nevada 89424

Compared nsr/dl ag/ cmf

Protested 11/16/01 by Churchill County; 2/8/02 by TCID; City of Fallon; Truckee Meadows Water Authority; 2/11/02 by City of Fernley;

Pro. overruled 12/6/2002, see Ruling #5185

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the place of use and manner of use of a portion of the waters of the Truckee River as heretofore granted under Claim No. 1, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued subject to the continuing jurisdiction and regulation by the Orr Ditch Decree Court and the Federal Water Master.

This temporary permit expires **October 31, 2004** and shall be exercised as described in either proposed alternative 3 or 4 as set forth in the Environmental Assessment by the U.S. Department of the Interior dated June 2002, that is the water will be taken in equal amounts over a certain number of months.

The amount of water described under alternatives 3 and 4 will be delivered at a continuous diversion rate for the percentages described in each month set forth in each alternative.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **36** cubic feet per second, **but not to exceed 8420 acre-feet as decreed.**

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed on or before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

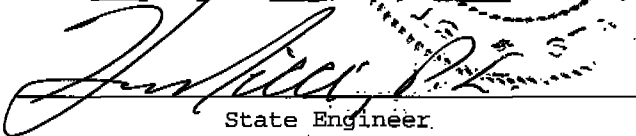
Map in support of proof of beneficial use shall be filed on or before:

IN TESTIMONY WHEREOF, I, HUGH RICCE, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **6th** day of **May**, A.D. **2004**


State Engineer

EXPIRED
DATE OCT 31 2004 *OR*

Attachment A

The applicants are:

- 1) **The United States as trustee for the Pyramid Lake Paiute Tribe of Indians, acting through the Bureau of Indian Affairs.**

Wayne Nordwall, Western Regional Director
Bureau of Indian Affairs
400 N. 5th Street, 14th Floor
Phoenix, Arizona 85001

Phone: (602) 379-6600

and

- 2) **The Pyramid Lake Paiute Tribe of Indians.**

John Jackson, Vice Chairman
Pyramid Lake Paiute Tribe of Indians
P.O. Box 256
Nixon, Nevada 89424

Phone: (775) 574-1050

Attachment B

This application is filed pursuant to the attached Order dated February 28, 1984, in the case of United States v. Orr Water Ditch Co., Equity No. A-3, in the United States District Court for the District of Nevada and in the interest of comity among the United States, the Pyramid Lake Paiute Tribe of Indians and the State of Nevada. The applicants specifically reserve all of their rights, interests and authorities pertaining to this matter including, without limitation, all rights and authorities asserted in arguments previously made to the Orr Ditch Court in connection with the above referenced February 28, 1984 Order and the rights to contest the jurisdiction of the Nevada State Engineer and to seek de novo review in the Orr Ditch Court of any orders, decisions, rulings or other actions of the Nevada State Engineer.

The water to be transferred will be used during the irrigation season, through November 15, subject to the condition that no more than 25 percent of the total water right amount will be used in any month. In addition, no more than 33.0 cfs will be used at any time.

This application is for a temporary change pursuant to NRS 533.345.

The right sought under this temporary change application voluntarily will be exercised in conjunction with other Tribal water rights used for wildlife purposes so as to avoid limitations on diversions of Truckee Meadows water rights pursuant to Article VII (B) of the Truckee River Agreement.

